

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER GARCIA-HERNANDEZ,

Defendant.

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4:10CR3126

MEMORANDUM AND ORDER

The defendant has moved to continue the pretrial motion deadline currently set for January 19, 2011. Filing No. 11. Defense counsel explains they need additional time to review discovery materials. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no.13), is granted and the defendant's pretrial motions and briefs shall be filed on or before **January 28, 2011**.
- 2) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between **January 19, 2011** and **January 28, 2011**, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) The trial of this case remains set to commence on February 28, 2011 before Judge Kopf.

DATED this 18th day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge